

FILED  
UNITED STATES DISTRICT COURT IN CLERK'S OFFICE  
DISTRICT OF MASSACHUSETTS

2005 JUN -5 P 1:27

CHRISTOPHER PAUL COLIN,  
Plaintiff

v.

FORD MOTOR COMPANY,  
Defendant.

U.S. DISTRICT COURT  
DISTRICT OF MASS.

CIVIL ACTION NO.  
04-40242

**ANSWER AND JURY CLAIM OF FORD MOTOR COMPANY**

Now comes the defendant, Ford Motor Company ("Ford"), with its Answer to plaintiff's Complaint:

1. Ford denies the allegations contained in paragraph 1 of the Complaint because it lacks sufficient knowledge to form a belief as to the truth of the allegations.
2. Ford admits only, as alleged in paragraph 2 of the Complaint, that it is a foreign corporation doing business in Massachusetts.

**JURISDICTION**

Ford denies that this Court has jurisdiction over this matter pursuant to 28 USC 1332.

**FACTS**

Ford denies the allegations contained in the paragraph of the Complaint entitled Facts.

**COUNT 1**

Ford denies the allegations contained in Count 1 of the Complaint because it lacks sufficient knowledge to form a belief as to the truth of the allegations.

**COUNT 2**

Ford denies the allegations contained in Count 2 of the Complaint because it lacks sufficient knowledge to form a belief as to the truth of the allegations.

COUNT 3

Ford denies the allegations contained in Count 3 of the Complaint because it lacks sufficient knowledge to form a belief as to the truth of the allegations.

COUNT 4

Ford denies the allegations contained in Count 4 of the Complaint because it lacks sufficient knowledge to form a belief as to the truth of the allegations.

COUNT 5

Ford denies the allegations contained in Count 5 of the Complaint because it lacks sufficient knowledge to form a belief as to the truth of the allegations.

COUNT 6

Ford denies the allegations contained in Count 6 of the Complaint because it lacks sufficient knowledge to form a belief as to the truth of the allegations.

COUNT 7

Ford denies the allegations contained in Count 7 of the Complaint because it lacks sufficient knowledge to form a belief as to the truth of the allegations.

COUNT 8

Ford denies the allegations contained in Count 8 of the Complaint because it lacks sufficient knowledge to form a belief as to the truth of the allegations.

**Ford denies each and every allegation not specifically admitted herein.**

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

Plaintiff's Complaint fails to state a claim upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

The injuries sustained by the plaintiff, if any, were caused by the actions of a third-party and not the actions for which the defendant, Ford Motor Company, is responsible.

THIRD AFFIRMATIVE DEFENSE

The damages sought by plaintiff are not causally related to the actions of defendant, Ford Motor Company.

FOURTH AFFIRMATIVE DEFENSE

The plaintiff is barred from recovery because his conduct when considered alone or in conjunction with others constitutes the sole proximate cause of her alleged damages.

FIFTH AFFIRMATIVE DEFENSE

The defendant, Ford Motor Company, asserts that this Court lacks jurisdiction over The subject matter.

SIXTH AFFIRMATIVE DEFENSE

The plaintiff has failed to include all necessary and indispensable parties.

SEVENTH AFFIRMATIVE DEFENSE

The defendant, Ford Motor Company, gives notice that it intends to rely on such further and other defenses as may become available or apparent during discovery proceedings in this case and hereby reserves its right to amend its Answer to include any such defenses.

EIGHTH AFFIRMATIVE DEFENSE

The plaintiff's action is frivolous and in violation of M.G.L. c. 231, Section 6F.

NINETH AFFIRMATIVE DEFENSE

The alleged non-conformity does not substantially impair the use, market value or safety of the vehicle.

TENTH AFFIRMATIVE DEFENSE

The alleged non-conformity is a result of owner negligence, damage caused by accident, vandalism, or attempt to repair the vehicle by a person other than the manufacturer, its agent or authorized dealer.

ELEVENTH AFFIRMATIVE DEFENSE

The alleged non-conformity is a result of any attempt substantially to modify the vehicle which was not authorized by the manufacturer.

TWELFTH AFFIRMATIVE DEFENSE

That if plaintiff suffered any damages as a result of the actions and conduct of Ford, plaintiff cannot maintain an action for recovery of the same, as he has failed to make reasonable efforts to mitigate these alleged damages.

THIRTEENTH AFFIRMATIVE DEFENSE

That plaintiff has failed to comply with the conditions precedent to the bringing of this action and Ford is not liable therefore.

WHEREFORE, the defendant, Ford Motor Company, respectfully requests that the plaintiff's Complaint be dismissed and defendant, Ford Motor Company, be awarded reasonable attorneys' fees and costs.

**THE DEFENDANT, FORD MOTOR COMPANY, REQUESTS A TRIAL BY JURY.**

FORD MOTOR COMPANY

By its attorneys,



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Dated: January 4, 2005

**"I hereby certify that I have made service of the foregoing document in accordance with the provisions of Fed. R. Civ. P. 5."**